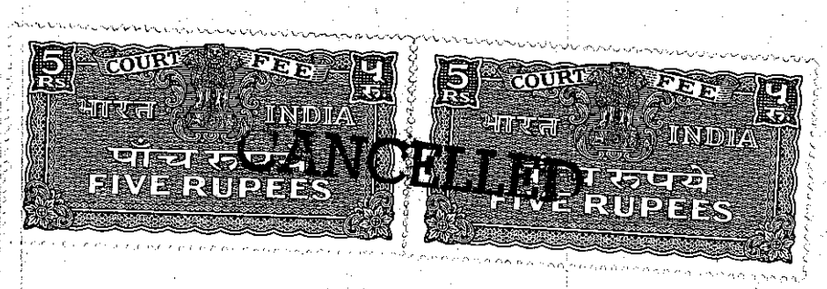

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 788 OF 2004

PETITIONER : 1. Laxmi Rani Das, aged 48 years, wife of Nimaicharan Das r/o. Darogapara, Chopra Gali, Raigarh (C.G.)

2. Chunilal Das, aged 39 years, Son of Purnachandra Das, r/o. Darogapara, Chopra Gali, Raigarh (C.G.)

P.R. No. 770/04
Presented by Shri Abhishek Sharma
dated 10/03/04

VERSUS

RESPONDENTS : 1. Baldeo Prasad Gupta, aged about 54 years, S/o. Baijnath Gupta, r/o. Baniyapara, Raigarh (C.G.)

2. M/s. Gupta Brothers, through Prop. Baldeo Prasad Gupta, near Old Hatri, Raigarh (C.G.)

3. State Bank of India, through Branch Manager, Gandhi Ganj, Raigarh (C.G.)

शपथ आयुक्त
एस.के. शुक्ला
बिलासपुर (म.प्र.)
01/04
बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARY AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

The petitioners most respectfully submit as under:-

1. **PARTICULARS OF THE PETITIONER**

The petitioners are permanent residents of above addresses and they are plaintiffs in Civil Suit No. 38-A of 1999 pending before the Court of Second Additional District Judge, Raigarh.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

आदेश पत्रक

मामला क्रमांक W.P. No. 788 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
1/5	**16.04.2004** Shri Kishore Bhaduri, counsel for the petitioners. Application for urgent hearing is allowed. Heard. By this petition filed under Article 227 of the Constitution of India, petitioner is challenging the order dated 10.02.2004 passed by the Court of IInd Additional Judge, Raigarh in Civil Suit No.38-A/1999 whereby the application moved by the plaintiffs for examination of their signatures by hand writing experts, has been rejected. The allegation is that the respondents No.1 and 2 have obtained the loan from State Bank of India and the petitioners have been shown as guarantors. The loan was not repaid as such the Bank/respondent No.3 filed a suit for recovery against the petitioners as well. Since the petitioners were shown as guarantors, summons were issued on them also. It is further submitted that in the bank documents, service of summons and in vakalatnama signatures of the petitioners were fraudulently made. Learned counsel for the petitioner prays for a direction for examination of the signatures for hand writing experts. Having considered the facts and circumstances and material on record, in the opinion of this Court, no case for exercise in jurisdiction under Article 227 of the Constitution of	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No.788 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

India is made out. Petitioner may however, raise the grounds in appeal in case any such eventuality arises.

This petition is disposed of with the observation aforesaid.

Consequently, M.W.P.No.709/2004 also stands disposed of.

Sd/-
Fakhruddin
Judge

Rao